



Australian Government

National Archives of Australia

Records Authority

Fair Work Australia
(former Australian Industrial
Registry)

Job no 2009/00439008

26 March 2010

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INTRODUCTION

Fair Work Australia (FWA) and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the core business areas of Registered Organisations and Statutory Appointments. It represents a significant commitment on behalf of FWA to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of FWA. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

This Authority gives FWA permission under the Archives Act 1983, for the destruction, retention or transfer to the National Archives of Australia of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that temporary records need to be kept. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements and community expectations, and are approved by the National Archives of Australia on the basis of information provided by the agency.

The FWA may use the following tools to dispose of their records:

- this Records Authority covering its agency specific records;
- general records authorities, such as the Administrative Functions Disposal Authority (AFDA), covering business processes and records common to Australian Government agencies; and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

As changes in circumstances may affect future records management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

Advice on using this Authority and other records management matters is available from the National Archives' website at www.naa.gov.au or by contacting the Agency Service Centre at recordkeeping@naa.gov.au or (02) 6212 3610.

APPLICATION OF THIS AUTHORITY

1. This Authority replaces Records Authorities RDA 1279, RDA 1268, RDA 1376 and RDA 1178. The superseded RAs can no longer be used by Fair Work Australia (FWA) to sentence records after the date of issue of this Authority.
2. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to Australian Government agencies.
3. This Authority should be used in conjunction with general disposal authorities issued by the National Archives that cover other types of records that may be created by FWA, such as encrypted records and source records that have been copied.
4. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine how long records need to be kept. Advice on sentencing is available from the National Archives.
5. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be used to sentence the records created, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. FWA will need to ensure that any software, hardware or documentation required to enable continuing access to the information is available for the periods prescribed.
6. In general, retention requirements indicate a minimum period for retention. The FWA may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where FWA believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
7. FWA may destroy certain records without formal authorisation as a normal administrative practice. This usually occurs where the records are duplicated, facilitative or for short-term use only. NAP does not replace the arrangements agreed to in records authorities. Advice and guidance on destroying records as a normal administrative practice is available from the National Archives' website at www.naa.gov.au.
8. From time to time the National Archives will place a freeze on some groups of records to prevent their destruction. Further information about disposal freezes and whether they affect the application of this Authority is available from the National Archives website at www.naa.gov.au.
9. Records in the care of the FWA should be appropriately stored and preserved. FWA needs to meet this obligation to ensure that the records remain authentic and accessible over time. Under section 31 of the Archives Act 1983, public access arrangements are required for records that are in the open access period (currently after 30 years).
10. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives.
11. Advice on how to use this Authority is available from the FWA records manager. If there are problems with the application of the Authority that cannot be resolved, please contact the National Archives.

12. This Authority can continue to be used once the former Australian Industrial Registry (AIR) and Australian Industrial Relations Commission (AIRC) have fully transitioned to Fair Work Australia on 1 January 2010.

CONTACT INFORMATION

For assistance with this authority or for advice on other recordkeeping matters, please contact National Archives' Agency Service Centre.

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY

Person to whom notice of authorisation is given:

President
Fair Work Australia
L4, 11 Exhibition Street
Melbourne VIC 3000

Purpose:

AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983

AUTHORISES ADDITION TO, OR ALTERATION OF, A RECORD OVER 25 YEARS OLD IN ACCORDANCE WITH SECTION 26(2)(b) OF THE ARCHIVES ACT 1983. (This applies to the register of employer and employee organisations in Class 20214)

Application:

This Records Authority covers the core businesses of Statutory Appointments and Registered Organisations.

This authorisation gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. The authority will apply only if these actions take place with the consent of the agency responsible for the core business documented in the records.

Authorising Officer

Date of issue:



Ross Gibbs
Director-General
National Archives of Australia

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REGISTERED ORGANISATIONS

The core business of managing the registration and accountability of eligible unions and employer associations. Includes:

- applications for registration;
- elections;
- annual returns and financial statements;
- right of entry permits;
- rules of the registered organisation, including alterations;
- details of loans, grants and donations given by the registered organisation;
- transitional registration;
- providing advice to and liaising with registered organisations in association with their registration.

[For the development and publication, including online publication, of guidelines and fact sheets to advise organisations, use AFDA - PUBLICATION.]

Class no.	Description of records	Disposal action
20214	The following significant records including: <ul style="list-style-type: none"> • Register of employer and employee organisations • Case files relating to individual registered organisations including transitional registrations. 	Retain as national archives
20218	Records documenting conscientious objections in relation to required membership of registered organisations. Includes certificates of exemption.	Destroy 75 years after date of birth of conscientious objector or 7 years after last action, whichever is the longer. If date of birth is unknown, assume the individual was 15 at the time of the granting of exemption.
20216	Records documenting loans, grants, donations and other forms of financial assistance provided to the registered organisation, together with details of its members. Includes related correspondence, advice and meeting records.	Destroy 25 years after last action
20217	Records documenting the provision of right of entry permits. Includes applications, permits, exemptions, suspensions and refusals, and associated correspondence, advice and meeting records.	Destroy 6 years after permit or exemption granted, suspended or refused

STATUTORY APPOINTMENTS

The core business of managing statutory positions within the organisation. Statutory appointments include those to the industrial registrar and deputy registrar positions. Includes matters concerning:

- appointments and remuneration, together with the appointment history of each individual member;
- internal policies and procedures;
- travel arrangements.

For financial transactions relating to the remuneration or travel of statutory appointments, use AFDA - FINANCIAL MANAGEMENT.

Class no.	Description of records	Disposal action
20220	Records documenting a consolidated employment history of individuals appointed to statutory positions. Includes: <ul style="list-style-type: none"> • declarations of interest; • summary records of leave; • legal advice regarding employment conditions; • payment history records; • professional development and other training received; • retirement and other separation records. 	Destroy 75 years after date of birth or 7 years after last action, whichever is later
20221	Policies and procedures associated with the statutory appointments core business.	Destroy 1 year after last action
20219	Records documenting routine notifications, advice and arrangements concerning statutory appointments. Includes: <ul style="list-style-type: none"> • appointment notices and details of remuneration levels from the lead agency; • travel itineraries and bookings. 	Destroy 3 months after last action